

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:16-CR-00220-MOC-DSC**

UNITED STATES OF AMERICA, )  
                                )  
                                )  
vs.                         )  
                               )  
                               )  
MARION QUINTON BREWSTER, )  
                               )  
                               )  
                               )  
Defendant.                 )  
                               )  
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**ORDER**

**THIS MATTER** comes before the Court on the pro se Defendant's letter, which requested the Court to "recall the mandate on [his] Rule 59(e) motion." Doc. No. 50. On October 9, 2019, the Court considered Defendant's motion and found he was ineligible for relief under Rehaif v. United States, 139 S. Ct. 2191 (2000). See Doc. No. 47 at 17–18. Defendant appealed that ruling to the United States Court of Appeals for the Fourth Circuit. See Doc. No. 48. The Fourth Circuit has not resolved that appeal, but Defendant nevertheless filed his letter with this Court.

After reading the letter, the Court is not entirely sure what relief Defendant desires. But, to the extent Defendant requests this Court to reconsider its ruling, Defendant's filing of a notice of appeal divests the Court of jurisdiction to do so. See Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982). And, to the extent that Defendant seeks to dismiss his appeal, Defendant is advised that such a request must comply with Federal Rule of Appellate Procedure 42. Thus, regardless of what relief Defendant desires, the Court must deny his request at this time.

**ORDER**

**IT IS, THEREFORE, ORDERED** that Defendant's pro se letter requesting the Court to "recall the mandate on [his] Rule 59(e) motion," Doc. No. 50, is **DENIED**.

Signed: April 13, 2020



Max O. Cogburn Jr.  
United States District Judge